

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Maurice Crowder,

Plaintiff,

v.

ORDER

Civ. No. 15-3216 (MJD/HB)

S. Hansen, Special Investigations Agent;
Dan Cansino, Unit Manager; Steiber,
Special Investigational Lieutenant; B.R. Jett,
Warden; and Solomanson, Unit Secretary,

Defendants.

The above matter came before the Court upon the Report and Recommendation of United States Magistrate Judge Hildy Bowbeer dated July 29, 2016. Defendants object to that portion of the recommendation that Plaintiff's letter dated May 1, 2014 was a "sensitive administrative remedy" and that the BOP's decision not to treat the letter as an administrative remedy excused Plaintiff's failure to exhaust his administrative remedies. Defendants do not otherwise object to the Magistrate Judge's findings or analysis or the recommendation that Defendants' motion be granted and the matter dismissed.

Pursuant to statute, the Court has conducted a de novo review upon the record.

28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court will

ADOPT the Report and Recommendation in its entirety. The Court also overrules Plaintiff's objection to the December 18 Order.

Accordingly, based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Plaintiff Maurice Crowder's Objection to 60 Days Extension and Default

Judgment [Doc. No. 29] is:

- a. **DENIED** as to his request for an entry of default judgment; and
 - b. **OVERRULED** as to his objection to the December 18, 2015 Order;
- and

2. Defendants' Motion to Dismiss and/or for Summary Judgment [Doc. No.

43] is **GRANTED** in that:

- a. Plaintiff's *Bivens* claims is **DISMISSED WITH PREJUDICE**; and
- b. Plaintiff's negligence claim is **DISMISSED WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 13, 2016

s/Michael J. Davis

MICHAEL J. DAVIS

United States District Court